

ENTERED

February 11, 2020

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

QUALITY SAUSAGE COMPANY, LLC,
HM INTERNATIONAL LLC, GREGORY
R. GEIB, AND KATHRYN M. GEIB,

Plaintiffs,

v.

TWIN CITY FIRE INSURANCE
COMPANY,

Defendant.

CIVIL ACTION NO. 4:17-cv-111

FINAL JUDGMENT

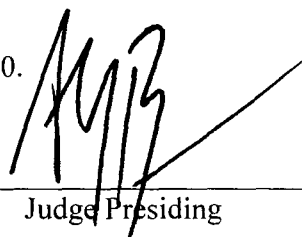
HM International, LLC ("HMI") asserted the following claims and causes of action against Twin City Fire Insurance Company ("Twin City"): (1) breach of contract/breach of the duty to defend; (2) breach of contract/breach of the duty to indemnify; (3) violations of Chapter 541 of the Texas Insurance Code; (4) breach of the duty of good faith and fair dealing; (5) attorneys' fees; and (6) punitive damages. *See* Doc. No. 1. Previously, the Court granted summary judgment in favor of Twin City on claim number 2, breach of contract/breach of the duty to indemnify. *See* Doc. No. 72. The Court granted summary judgment to HMI on claim number 1, breach of contract/breach of the duty to defend, but left un-adjudicated is HMI's claim for damages associated with that breach. *See* Doc. No. 110. The other claims (items 3, 4, 5, and 6) are un-adjudicated and remain pending.

HMI has dismissed, with prejudice, all un-adjudicated and pending claims. Specifically, HMI dismissed with prejudice the following: (1) breach of contract/breach of the duty to defend; (2) violations of Chapter 541 of the Texas Insurance Code; (3) breach of the duty of good faith and fair dealing; (4) all claims for attorneys' fees with the exception of its claim for attorneys' fees

under CPRC § 38.001 if the court of appeals reverses the Court's finding with respect to HMI's claim for breach of contract/breach of the duty to indemnify; and (5) punitive damages.

By virtue of HMI's voluntary dismissal, there are no remaining un-adjudicated claims. As such, the Court enters this Final Take Nothing Judgment against HMI and in favor of Twin City. This is a Final and Appealable Judgment.

Signed this 7th day of February, 2020.



Judge Presiding